

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

ELLIOT ENOKI  
First Assistant U.S. Attorney

THOMAS MUEHLECK  
Assistant U.S. Attorney  
Room 6100, PJKK Federal Building  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850  
Telephone: (808) 541-2850

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUN 19 2002  
at 11 o'clock and 55 min. AM  
WALTER A. Y. H. CHAN, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 02-00176 DAE
	)	
Plaintiff,	)	FIRST SUPERSEDING INDICTMENT
	)	[21 U.S.C. §§ 853, 846, 843(b),
vs.	)	841(a)(1)
	)	18 U.S.C. §§ 472 and 2]
DAVID D. ESPINAL,	)	
aka "Dirk Diggler,"	(01),	
MARK TAGOAI,	(02),	
TASI MALEPEAI,	)	
aka "Taz,"	(03),	
AMAKO MALEPEAI,	)	
aka "Mako,"	)	
aka "Sepa,"	(04),	
SILILA MALEPEAI	)	
aka "Steelz,"	(05),	
QUINCY JACOBS,	(06),	
SILO TAGOAI,	)	
aka "Silo Tagata,"	)	
aka "Priscilla Afoa,"	(07),	
JASON APELA GONSALVES,	)	
aka "Jay,"	(08),	
MARIA MERCEDES ZEPEDA,	(09),	
EDWARD MERSBURGH,	)	
aka "Kawika,"	(10),	
FAATALI MALEPEAI,	(11),	
	)	
Defendants.	)	
	)	

FIRST SUPERSEDING INDICTMENT

COUNT 1

The Grand Jury charges that:

From a date unknown but from at least on or about January 2000, to on or about April 24, 2002, in the District of Hawaii and elsewhere, the defendants DAVID D. ESPINAL aka "Dirk Diggler," MARK TAGOAI, TASI MALEPEAI, aka "Taz," AMAKO MALEPEAI, aka "Mako," aka "Sepa," SILILA MALEPEAI, aka "Steelz," QUINCY JACOBS, SILO TAGOAI, aka "Silo Tagata," aka "Priscilla Afoa," JASON APELA GONSALVES, aka "Jay," MARIA MERCEDES ZEPEDA, EDWARD MERSBURGH, aka "Kawika," FAATALI MALEPEAI, did conspire together with each other and with Polotani Latu, aka "Paul," aka "P," Isileli Latu, aka "Loa," Maloni Niu, Andrea Niu, James J. Mateaki, Chad K.K. Kaaea, David Sola Kauvaka, Tausinga Taumoefolau, aka "Tau," Christine Kohler, Raye W. Bergman, Leslie Kekahuna, Filohivalu Tuitavake, aka "Valu," aka "Indian," Michael Torres Jaimes, aka "Mikey," Querubin P. Fernandez, aka "Kirby," Thomas Tonu, Benjamin Vai, Edward S.C. Yun, Michelle West and Chasity Kalawe, not defendants herein, and with other persons known and unknown to the Grand Jury, to commit offenses against the United States, that is, to knowingly and intentionally distribute and possess with intent to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers, in excess of 50 grams, a Schedule II controlled substance, and to

distribute and possess with intent to distribute a quantity of cocaine, in excess of 500 grams, a Schedule II controlled substance,

All in violations of Title 21, United States Code, Section 848(a).

Ways and Means of Accomplishing the Conspiracy

The co-conspirators reached and attempted to reach the objectives of this conspiracy using the following ways and means, among others:

1. It was part of the conspiracy that from 2000, and continuing through April 2002, Polotani Latu, aka "Paul," aka "P," Evona Latu, aka "Poko," MARK TAGOAI, DAVID P. ESPINAL, aka "Dirk Diggler," AMAKO MALEPEAI, aka "Mako," aka "Sepa," JASON APELA GONSALVES, aka "Jay," and Leslie Kekahuna obtained quantities of crystal methamphetamine and cocaine in California, Hawaii and elsewhere for distribution on Oahu, Maui and Molokai.

2. It was further part of the conspiracy that the co-conspirators used couriers and commercial express delivery services to transport crystal methamphetamine and cocaine to Oahu, Maui and Molokai.

3. It was further part of the conspiracy that the co-conspirators used long distance telephone calls, telephone pagers and cellular telephones to arrange for the distribution of crystal methamphetamine and cocaine.

4. It was further part of the conspiracy that the co-conspirators distributed crystal methamphetamine and cocaine for cash.

5. It was further part of the conspiracy that the co-conspirators used couriers, commercial express delivery services and Western Union outlets to transfer monies derived from the sale of crystal methamphetamine and cocaine.

6. It was further part of the conspiracy that the co-conspirators concealed the income and assets derived from the sale of crystal methamphetamine and cocaine.

7. It was further part of the conspiracy that the co-conspirators used an officer of the Maui Police Department to obtain information on confidential law enforcement investigations.

8. It was further part of the conspiracy that the co-conspirators prepared counterfeit Federal Reserve Notes to use to purchase methamphetamine and cocaine.

Overt Acts

In furtherance of the conspiracy and to effect the objectives of this conspiracy, the defendants and their co-conspirators performed overt acts in the District of Hawaii and elsewhere, including but not limited to:

1. During the year 2000, Polotani Latu, aka "Paul," aka "P," distributed crystal methamphetamine - "ice" on Maui.

2. During February 2001, Polotani Latu, aka "Paul," aka "P," distributed a quantity of crystal methamphetamine - "ice" on Maui to another individual.

3. On or about February 2, 2001, Chad K.K. Kaaea and David Sola Kauvaka held for distribution, approximately 40 grams of crystal methamphetamine - "ice" on the Island of Maui.

4. On or about February 9, 2001, Polotani Latu, aka "Paul," aka "P," and Evona Latu, aka "Poko," distributed approximately one half ounce of crystal methamphetamine - "ice."

5. On or about March 5, 2001, Polotani Latu, aka "Paul," aka "P," transported a quantity of crystal methamphetamine - "ice" in a Dodge Dakota pickup truck registered to defendant James J. Mateaki.

6. On or about March 5, 2001, Polotani Latu, aka "Paul," aka "P," distributed approximately 28 grams of crystal methamphetamine - "ice" to an undercover agent of the Federal Bureau of Investigation.

7. On or about April 19, 2001, Edward S.C. Yun held a quantity of crystal methamphetamine - "ice" for distribution on the Island of Maui.

8. On or about April 24, 2001, Michelle West spoke on the telephone with Evona Latu, aka "Poko."

9. On or about April 26, 2001, Michelle West spoke on the telephone with Evona Latu, aka "Poko."

10. On or about April 26, 2001, Evona Latu, aka "Poko," called Michelle West on the telephone and arranged to meet with her at a Safeway Supermarket.

11. On or about April 27, 2001, Evona Latu, aka "Poko," spoke on the telephone with Edward S.C. Yun concerning the distribution of a quantity of crystal methamphetamine - "ice."

12. On or about April 30, 2001, Filohivalu Tuitavake, aka "Valu," aka "Indian," spoke on the telephone with another individual concerning a distribution of a quantity of cocaine.

13. On or about May 1, 2001, Michael Torres Jaimes, aka "Mikey," discussed the distribution of a quantity of methamphetamine and a quantity of cocaine with Polotani Latu, aka "Paul," aka "P," on the telephone.

14. On or about May 3, 2001, defendant TASI MALEPEAI, aka "Taz," discussed the distribution of a quantity of crystal methamphetamine - "ice" with Polotani Latu, aka "Paul," aka "P," on the telephone.

15. On or about May 3, 2001, Polotani Latu, aka "Paul," aka "P," discussed the distribution of a quantity of crystal methamphetamine with defendant TASI MALEPEAI, aka "Taz" on the telephone.

16. On or about May 4, 2001, defendant TASI MALEPEAI, aka "Taz," discussed telephoned Polotani Latu, aka "Paul," aka

"P," and discussed the distribution of a quantity of crystal methamphetamine - "ice."

17. On or about May 4, 2001, defendant TASI MALEPEAI, aka "Taz," telephone Polotani Latu, aka "Paul," aka "P," and discussed the distribution of a quantity of crystal methamphetamine - "ice" and law enforcement activity on the Island of Maui.

18. On or about June 26, 2001, defendants DAVID D. ESPINAL, aka "Dirk Diggler," and MARIA MERCEDES ZEPEDA arranged to ship \$125,000 in U.S. currency via FedEx from Honolulu, Hawaii, to San Francisco, California.

19. On or About August 3, 2001, Chasity Kalawe attempted to take possession of a package at the Molokai Airport that contained approximately 250 grams of crystal methamphetamine - "ice."

20. On August 15, 2001, Michael Torres Jaimes, aka "Mikey," held one ounce of cocaine for sale.

21. On August 15, 2001, Michael Torres Jaimes, aka "Mikey," stored \$5,840 in U.S. currency in a safe in a house in Chula Vista, California.

22. On or about October 13, 2001, Polotani Latu, aka "Paul," aka "P," spoke on the telephone with Querubin P. Fernandez, aka "Kirby."

23. On or about October 13, 2001, Polotani Latu, aka "Paul," aka "P," spoke on the telephone with Thomas Tonu concerning the distribution of a quantity of crystal methamphetamine - "ice."

24. On or about October 13, 2001, Maloni Niu spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning a commercial airlines flight to California.

25. On or about October 14, 2001, Polotani Latu, aka "Paul," aka "P," met with Querubin P. Fernandez, aka "Kirby," at the Maui Ocean Center in Wailuku, Maui.

26. On or about October 14, 2001, at Kahului, Maui, Maloni Niu and Polotani Latu, aka "Paul," aka "P," boarded a United Airlines flight to San Francisco, California.

27. On or about October 14, 2001, defendant MARK TAGOAI spoke on the telephone with Polotani Latu, aka "Paul," aka "P."

28. On or about October 16, 2001, Polotani Latu, aka "Paul," aka "P," used a telephone to leave a message for Thomas Tonu.

29. On or about October 16, 2001, Isileli Latu, aka "Loa," spoke to Polotani Latu, aka "Paul, aka "P," on the telephone concerning the purchase of a quantity of crystal methamphetamine - "ice" and a quantity of cocaine.

30. On or about October 16, 2001, defendant MARK TAGOAI spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning a quantity of crystal methamphetamine - "ice."

31. On or about October 17, 2001, Tausinga Taumoefolau, aka "Tau," spoke on the telephone with Polotani Latu, aka "Paul," aka "P."

32. On or about October 18, 2001, Isileli Latu, aka "Loa," spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning the shipment of a quantity of crystal methamphetamine - "ice."

33. On or about October 18, 2001, Thomas Tonu took possession of a 1996 Chevrolet Tahoe from Edward S.C. Yun to ensure payment of monies owed for crystal methamphetamine - "ice."

34. On or about October 19, 2001, Christine Kohler spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning a FedEx package that contained a quantity of crystal methamphetamine - "ice."

35. On or about October 22, 2001, James J. Mateaki used a telephone to obtain information from the Maui Police Department regarding the existence of liens on the 1996 Chevrolet Tahoe that had been forcibly seized by Thomas Tonu from Edward S.C. Yun.

36. On or about October 22, 2001, Christine Kohler, James J. Mateaki and Polotani Latu, aka "Paul," aka "P," met in a parking lot at Triangle Square Shopping Center in Kahului, Maui.

37. On or about October 22, 2001, James J. Mateaki spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning the investigation by the Maui County Police Department into the package of crystal methamphetamine - "ice" that had been seized by Maui County Police Officers.

38. On or about October 24, 2001, Maloni Niu spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning a trip to California.

39. On or about October 26, 2001, Maloni Niu flew to San Francisco, California.

40. On or about October 27, 2001, Maloni Niu spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning a purchase of a quantity of crystal methamphetamine - "ice."

41. On or about October 28, 2001, Maloni Niu spoke on the telephone with Polotani Latu, aka "Paul," aka "P."

42. On or about October 29, 2001, Maloni Niu spoke on the telephone with Polotani Latu, aka "Paul," aka "P."

43. On or about October 30, 2001, Tausinga Taumoefolau, aka "Tau" spoke on the telephone with Polotani Latu, aka "Paul," aka "P."

44. On or about November 14, 2001, Raye W. Bergman spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning the distribution of eight ounces of cocaine.

45. On or about November 14, 2001, Raye W. Bergman spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning the distribution of eight ounces of cocaine.

46. On or about November 17, 2001, Polotani Latu, aka "Paul," aka "P," spoke on the telephone with Isileli Latu, aka "Loa" concerning the distribution of a quantity of crystal methamphetamine - "ice" to defendant David Sola Kauvaka.

47. On or about November 17, 2001, Maloni Niu spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning a distribution of a quantity of crystal methamphetamine - "ice."

48. On or about November 18, 2001, Polotani Latu, aka "Paul," aka "P," spoke on the telephone with Maloni Niu concerning a trip to California.

49. On or about November 19, 2001, defendants FAATALI MALEPEAI and AMAKO MALEPEAI, aka "Mako," aka "Sepa," spoke on the telephone with Polotani Latu, aka "Paul," aka "P."

50. On or about November 19, 2001, Maloni Niu carried \$61,504 in U.S. currency to the Kahului Airport in Maui and waited to board a United Airlines flight to San Francisco, California.

51. On or about November 20, 2001, Polotani Latu, aka "Paul," aka "P," spoke on the telephone with defendant FAATALI MALEPEAI concerning the distribution of a quantity of crystal methamphetamine - "ice" by defendant DAVID D. ESPINAL, aka "Dirk Diggler," to defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa."

52. On or about November 20, 2001, Andrea Niu spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning the U.S. currency hidden in the Maloni Niu's luggage.

53. On or about November 20, 2001, James J. Mateaki spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning the Maui Police stop of Maloni Niu at the Kahului Airport and the seizure of the U.S. currency.

54. On or about November 20, 2001, James J. Mateaki spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning the Maui Police Department investigation of Maloni Niu.

55. On or about November 21, 2001, defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning the distribution of a quantity of crystal methamphetamine - "ice."

56. On or about November 23, 2001, Polotani Latu, aka "Paul," aka "P," spoke on the telephone with defendant FAATALI MALEPEAI.

57. On or about November 23, 2001, Polotani Latu, aka "Paul," aka "P," spoke on the telephone with defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," concerning the distribution of a quantity of crystal methamphetamine - "ice."

58. On or about November 25, 2001, Polotani Latu, aka "Paul," aka "P," spoke on the telephone with David Sola Kauvaka concerning the distribution of a quantity of crystal methamphetamine - "ice."

59. On or about November 26, 2001, defendant FAATALI MALEPEAI spoke on the telephone with Polotani Latu, aka "Paul," aka "P," concerning a distribution of crystal methamphetamine - "ice."

60. On or about December 6, 2001, Polotani Latu, aka "Paul," aka "P," spoke on the telephone with defendant JASON APELA GONSALVES, aka "Jay," concerning the distribution of a quantity of crystal methamphetamine - "ice."

61. On or about December 7, 2001, Polotani Latu, aka "Paul," aka "P," spoke on the telephone with Benjamin Vai concerning the distribution of a quantity of crystal methamphetamine - "ice."

62. On or about December 7, 2001, defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," spoke on the telephone with Polotani Latu, aka "Paul," aka "P" concerning the payment of monies to defendant DAVID D. ESPINAL, aka "Dirk Diggler."

63. On or about December 9, 2001, Polotani Latu, aka "Paul," aka "P," spoke on the telephone with defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," concerning the distribution of a quantity of crystal methamphetamine - "ice."

64. On or about December 11, 2001, Polotani Latu, aka "Paul," aka "P," spoke on the telephone with Leslie Kekahuna concerning the distribution of a quantity of crystal methamphetamine - "ice."

65. On or about December 18, 2001, defendant JASON APELA GONSALVES, aka "Jay," spoke on the telephone with defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," concerning the collection of monies owed by Polotani Latu, aka "Paul," aka "P."

66. On or about December 22, 2001, defendant SILO TAGOAI, aka "Silo Tagata," aka "Priscilla Afoa," spoke on the telephone with defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," concerning her possession of large quantity of U.S. currency.

67. On or about December 23, 2001, defendant SILO TAGOAI, aka "Silo Tagata," aka "Priscilla Afoa," transported \$72,845 in U.S. currency in two suitcases on board a Delta Airlines flight from Honolulu, Hawaii, to San Francisco, California.

68. On or about December 23, 2001, defendant MARK TAGOAI spoke on the telephone with defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," concerning the distribution of a quantity of

crystal methamphetamine - "ice" and the seizure of U.S. currency from defendant SILO TAGOAI, aka "Silo Tagata," aka "Priscilla Afoa," at the San Francisco Airport by the Drug Enforcement Administration.

69. On or about December 28, 2001, defendant AMAKO MALEPEAI, aka "Mako," aka Sepa," spoke on the telephone with defendant SILO TAGOAI, aka "Silo Tagata," aka "Priscilla Afoa," concerning his possession of a quantity of counterfeit Federal Reserve Notes.

70. On or about December 28, 2001, defendant SILILA MALEPEAI, aka "Steelz," spoke on the telephone with defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," concerning an exchange of counterfeit Federal Reserve Notes for a quantity of cocaine or crystal methamphetamine - "ice."

71. On or about December 28, 2001, defendant SILILA MALEPEAI, aka "Steelz," spoke on the telephone with defendant EDWARD MERSBURGH, aka "Kawika."

72. On or about December 29, 2001, defendant EDWARD MERSBURGH, aka "Kawika," spoke on the telephone with defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," concerning the counterfeit Federal Reserve Notes.

73. On or about December 29, 2001, defendant EDWARD MERSBURGH, aka "Kawika," spoke on the telephone with defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," concerning the exchange

of counterfeit Federal Reserve Notes for controlled substances.

74. On or about January 12, 2002, defendant TASI Malepeai, aka "Taz," spoke on the telephone with defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," concerning monies owed by defendant Polotani Latu, aka "Paul," aka "P."

75. On or about January 14, 2002, defendant DAVID D. ESPINAL, aka "Dirk Diggler," spoke on the telephone with defendant FAATALI MALEPEAI.

76. On or about January 16, 2002, defendant TASI MALEPEAI, aka "Taz," spoke on the telephone with defendant MARK TAGOAI concerning monies owed by Polotani Latu, aka "Paul," aka "P."

77. On or about January 16, 2002, defendant DAVID D. ESPINAL, aka "Dirk Diggler," spoke on the telephone with defendant MARK TAGOAI.

78. On or about January 17, 2002, defendant MARK TAGOAI spoke on the telephone with defendant DAVID D. ESPINAL, aka "Dirk Diggler."

79. On or about January 22, 2002, defendant SILILA MALEPEAI, aka "Steelz," spoke on the telephone with defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa."

80. On or about January 23, 2002, defendant MARK TAGOAI spoke on the telephone with defendant TASI MALEPEAI, aka "Taz," concerning the distribution of a quantity of crystal

methamphetamine - "ice."

81. On or about January 24, 2002, defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," possessed \$17,800 in counterfeit Federal Reserve Notes.

82. On or about January 24, 2002, defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," spoke on the telephone with defendant SILILA MALEPEAI, aka "Steelz."

83. On or about January 30, 2002, defendant JASON APELA GONSALVES, aka "Jay," held approximately 100 grams of crystal methamphetamine - "ice" in his automobile.

84. On or about January 31, 2002, Querubin P. Fernandez, aka "Kirby," stored crystal methamphetamine - "ice" packaging materials, a digital scale and \$4,151 in U.S. currency in his residence in Lahaina, Maui.

85. On or about February 16, 2002, defendant DAVID D. ESPINAL, aka "Dirk Diggler," spoke on the telephone with defendant MARK TAGOAI concerning the distribution of a quantity of crystal methamphetamine - "ice."

86. On or about February 27, 2002, defendant MARIA MERCEDES ZEPEDA spoke on the telephone with defendant DAVID D. ESPINAL, aka "Dirk Diggler," concerning surveillance by law enforcement officers.

87. On or about February 27, 2002, defendant DAVID D. ESPINAL, aka "Dirk Diggler," spoke on the telephone with another

individual concerning the distribution of a quantity of crystal methamphetamine - "ice."

88. On or about March 3, 2002, defendant DAVID D. ESPINAL, aka "Dirk Diggler," spoke on the telephone with defendant TASI MALEPEAI, aka "Taz."

89. On or about March 3, 2002, defendant TASI MALEPEAI, aka "Taz," spoke on the telephone with defendant DAVID D. ESPINAL, aka "Dirk Diggler."

90. On or about March 4, 2002, defendant DAVID D. ESPINAL, aka "Dirk Diggler," spoke on the telephone with defendant TASI MALEPEAI, aka "Taz."

91. On or about April 21, 2002, defendant DAVID D. ESPINAL, aka "Dirk Diggler," and defendant MARIA MERCEDES ZEPEDA walked through the San Francisco International Airport to a Taca International Airlines flight to Honduras while carrying a large quantity of U.S. currency.

92. On or about April 24, 2002, defendant TASI MALEPEAI, aka "Taz," stored \$162,340 in U.S. currency in an apartment at 1910 Ala Moana Blvd., Honolulu, Hawaii.

93. On or about April 24, 2002, defendant QUINCY JACOBS threw a backpack containing one pound of cocaine out the window of an apartment at 910 Ala Moana Blvd., in Honolulu, Hawaii.

94. On or about April 24, 2002, defendant QUINCY

JACOBS stored approximately two pounds of cocaine in a cupboard in an apartment at 1910 Ala Moana Blvd., in Honolulu, Hawaii.

95. On or about April 24, 2002, Polotani Latu, aka "Paul," aka "P," stored a large quantity of U.S. currency in his residence in Wailuku, Maui.

96. On or about April 24, 2002, Isileli Latu, aka "Loa," stored approximately twenty-one ounces of crystal methamphetamine - "ice" in a safe in his residence in Haliimaile, Hawaii.

97. On or about April 24, 2002, defendant JASON APELA GONSALVES, aka "Jay," possessed approximately eight ounces of crystal methamphetamine - "ice."

98. On or about April 24, 2002, defendant SILILA MALEPEAI, aka "Steelz," stored approximately two ounces of crystal methamphetamine - "ice" in his Lincoln Navigator automobile.

All in violations of Title 21, United States Code, Section 846.

COUNT 2

The Grand Jury further charges that:

On or about May 4, 2001, in the District of Hawaii defendant TASI MALEPEAI aka "Taz," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute

methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 3

The Grand Jury further charges that:

On or about October 16, 2001, in the District of Hawaii and elsewhere defendant MARK TAGOAI used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 4

The Grand Jury further charges that:

On or about October 16, 2001, in the District of Hawaii and elsewhere defendant MARK TAGOAI used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

Count 5

The Grand Jury further charges that:

On or about October 22, 2001, in the District of Hawaii and elsewhere defendant MARK TAGOAI used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 6

The Grand Jury further charges that:

On or about November 19, 2001, in the District of Hawaii defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 7

The Grand Jury further charges that:

On or about November 20, 2001, in the District of

Hawaii defendant FAATALI MALEPEAI used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846. All in violation of 21 United States Code Section 843 (b).

COUNT 8

The Grand Jury further charges that:

On or about November 21, 2001, in the District of Hawaii defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b).

COUNT 9

The Grand Jury further charges that:

On or about November 23, 2001, in the District of Hawaii defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a

conspiracy to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 10

The Grand Jury further charges that:

On or about November 26, 2001, in the District of Hawaii defendant FAATALI MALEPEAI used and caused to be used a communications facility, that is, telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 11

The Grand Jury further charges that:

On or about December 6, 2001, in the District of Hawaii defendant JASON APELA GONSALVES, aka "Jay," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section

843 (b) .

COUNT 12

The Grand Jury further charges that:

On or about December 9, 2001, in the District of Hawaii defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846. All in violation of 21 United States Code Section 843 (b) .

COUNT 13

The Grand Jury further charges that:

On or about December 18, 2001, in the District of Hawaii defendant JASON APELA GONSALVES, aka "Jay," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 14

The Grand Jury further charges that:

On or about December 22, 2001, in the District of Hawaii defendant SILO TAGOAI, aka "Silo Tagata," aka "Priscilla Afoa," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 15

The Grand Jury further charges that:

On or about December 23, 2001, in the District of Hawaii defendants MARK TAGOAI and AMAKO MALEPEAI, aka "Mako," aka "Sepa," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 16

The Grand Jury further charges that:

On or about December 25, 2001, in the District of Hawaii defendants SILILA MALEPEAI, aka "Steelz" and AMAKO MALEPEAI, aka "Mako," aka "Sepa," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 17

The Grand Jury further charges that:

On or about December 28, 2001, in the District of Hawaii defendants SILILA MALEPEAI, aka "Steelz," and AMAKO MALEPEAI, aka "Mako," aka "Sepa," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to possess with intent to distribute and to distribute a quantity of methamphetamine and a quantity of cocaine, Schedule II controlled substances, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 18

The Grand Jury further charges that:

On or about December 29, 2001, in the District of Hawaii defendants EDWARD MERSBURGH, aka "Kawika," and AMAKO MALEPEAI, aka "Mako," aka "Sepa," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to possess with intent to distribute and to distribute a quantity of methamphetamine and a quantity of cocaine, Schedule II controlled substances, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 19

The Grand Jury further charges that:

On or about January 12, 2002, in the District of Hawaii defendants TASI MALEPEAI aka "Taz" and AMAKO MALEPEAI, aka "Mako," aka "Sepa," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to possess with intent to distribute and to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 22

The Grand Jury further charges that:

On or about January 22, 2002, in the District of Hawaii defendants SILILA MALEPEAI aka "Steelz," and AMAKO MALEPEAI, aka "Mako," aka "Sepa," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to possess with intent to distribute and to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 23

The Grand Jury further charges that:

On or about January 23, 2002, in the District of Hawaii and elsewhere, the defendants MARK TAGOAI and TASI MALEPEAI, aka "Taz," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to possess with intent to distribute and to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 24

The Grand Jury further charges that:

On or about January 24, 2002, in the District of Hawaii and elsewhere, defendant AMAKO MALEPEAI, aka "Mako," aka "Sepa," with intent to defraud, did keep in his possession and conceal falsely made and counterfeit obligations of the United States, that is, approximately \$17,800 in counterfeit Federal Reserve Notes in the denomination of one hundred dollars, which he then knew to be falsely made, forged and counterfeited.

In violation of Title 18, United States Code, Section 472.

COUNT 25

The Grand Jury further charges that:

On or about January 24, 2002, in the District of Hawaii defendants AMAKO MALEPEAI, aka "Mako," aka "Sepa," and SILILA MALEPEAI, aka "Steelz," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to possess with intent to distribute and to distribute a quantity of methamphetamine and a quantity of cocaine, Schedule II controlled substances, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 26

The Grand Jury further charges that:

On or about January 30, 2002, in the District of Hawaii, defendant JASON APELA GONSALVES, aka "Jay," did knowingly and intentionally possess with intent to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers, in excess of 50 grams, a Scheduled II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 27

The Grand Jury further charges that:

On or about February 27, 2002, in the District of Hawaii defendants MARIA MERCEDES ZEPEDA and DAVID D. ESPINAL, aka "Dirk Diggler," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute and to possess with intent to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 28

The Grand Jury further charges that:

On or about February 27, 2002, in the District of Hawaii and elsewhere, defendant DAVID D. ESPINAL, aka "Dirk Diggler," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute and to possess with intent to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 29

The Grand Jury further charges that:

On or about February 27, 2002, in the District of Hawaii and elsewhere, defendant DAVID D. ESPINAL, aka "Dirk Diggler," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute and to possess with intent to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 30

The Grand Jury further charges that:

On or about March 3, 2002, in the District of Hawaii defendants DAVID D. ESPINAL, aka "Dirk Diggler," and TASI MALEPEAI, aka "Taz" used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute and to possess with intent to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 31

The Grand Jury further charges that:

On or about March 4, 2002, in the District of Hawaii defendants DAVID D. ESPINAL aka "Dirk Diggler," and TASI MALEPEAI, aka "Taz," used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute and to possess with intent to distribute a quantity of methamphetamine, a Schedule II controlled substance, a felony under 21 United States Code, Section 846.

All in violation of 21 United States Code Section 843 (b) .

COUNT 32

The Grand Jury further charges that:

On or about April 24, 2002, in the District of Hawaii, defendant QUINCY JACOBS, did knowingly and intentionally possess with intent to distribute a quantity of cocaine in excess of 500 grams, a Scheduled II controlled substance.

All in violation of 21, United States Code, Section 841(a)(1).

COUNT 33

The Grand Jury further charges that:

On or about April 24, 2002, in the District of Hawaii, defendant SILILA MALEPEAI, aka "Steelz," did knowingly and intentionally possess with intent to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers in excess of fifty grams, a Scheduled II controlled substance. All in violation of 21, United States Code, Section 841(a)(1).

COUNT 34

The Grand Jury further charges that:

On or about April 24, 2002, in the District of Hawaii, defendant JASON APELA GONSALVES, aka "Jay," did knowingly and intentionally possess with intent to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers in excess of fifty grams, a Scheduled II controlled substance.

All in violation of 21, United States Code, Section 841(a)(1).

COUNT 35

The Grand Jury further charges that:

As a result of his participation in the conspiracy to distribute and to possess with intent to distribute methamphetamine, its salts, isomers and salts of its isomers alleged in Count 1, defendant DAVID D. ESPINAL, aka "Dirk Diggler," shall forfeit to the United States, any property constituting and derived from, the proceeds DAVID D. ESPINAL obtained as a result of the conspiracy to distribute and possess with intent to distribute methamphetamine, its salts, isomers and salts of its isomers including but not limited to the following properties which are subject to forfeiture, pursuant to Title 21 U.S.C. § 853(a)(1) -

(1) 5223 Ramsdell Court, Antioch, California further described as follows:

Lot 441, as shown on the map of subdivision 8320, filed June 11, 2001, in Book 431 of Maps, pages 7-12, Contra Costa County Records,

(2) 2113 Cipriani Boulevard, Belmont, California, further described as follows:

Lot 41, Block 35, delineated upon that certain Map entitled, "MAP OF SUBDIVISION NO. 2 BELMONT COUNTRY CLUB

PROPERTIES, BELMONT, SAN MATEO COUNTY, CALIFORNIA," filed for record in the Office of the Recorder of the County of San Mateo, State of California, on February 16, 1925, in Book 12 of Maps at pages 13 to 17.

Furthermore, any and all property located within the United States, constituting or derived from any proceeds obtained directly or indirectly as a result of the offenses.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant -

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

By virtue of the commission by said defendant to the said offense charged in the First Superseding Indictment, said defendant shall forfeit any and all interest he has in the aforesaid properties pursuant to Title 21, United States Code,

Section 853.

All in violation of 21, United States Code, Section 853.

DATE: June 19, 2002, Honolulu, Hawaii.

A TRUE BILL

*1s/*

FOREPERSON, GRAND *J*URY

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

  
\_\_\_\_\_  
ELLIOT ENOKI

First Assistant U.S. Attorney

  
\_\_\_\_\_  
THOMAS MUEHLECK  
Assistant U.S. Attorney

United States v. David D. Espinal, et.al.  
Cr. No. 02-00176 DAE  
First Superseding Indictment